

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

Dr. Grant M. Saxena, Ph.D.

Plaintiff,

vs.

Martinez-Hernandez, et., al.

Defendants.

Civil Action No.: 2:21-cv-02126-CDS-BMW

Lloyd D George Courthouse

333 S Las Vegas Blvd, Las Vegas, NV 89101

1/31/2024

**Answer and Motion to Stay Magistrate**

**Second Order to Show Cause**

**ANSWER & MOTION TO STAY SECOND MAGISTRATE ORDER TO SHOW CAUSE**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Plaintiff Dr. Saxena respectfully requests an extension of time to respond to, and concurrently motions to stay the Order to Show Cause issued by this Court on January 19, 2024. This request is based on the need to correct errors of fact and law made by the Court and the Clerk, and to allow for the adjudication of objections and appeals previously filed and currently pending.

Very Respectfully Submitted,

/s/ Dr. Grant M. Saxena, Ph.D.

Dr. Grant M. Saxena, Ph.D.

1/31/2024

275 New North Road, #2051, London, N1 7AA

+1-303-941-8771, grant.saxena25@law.ac.uk

**MEMORANDUM OF POINTS AND AUTHORITY**

1. The Federal Rules of Civil Procedure provide that "when an act may or must be done within a specified time, the court may, for good cause, extend the time." Fed. R. Civ. P. 6(b)(1). Good cause exists here due to the errors of fact and law made by the Court and the Clerk, and the need to allow for the adjudication of objections and appeals previously filed and currently pending.
2. First, the Clerk failed to properly file Dr. Saxena's objection and appeal of the magistrate's decision twice, which was properly submitted on November 9, 2023 directly by the plaintiff from his old law school email address of "[grant.saxena25@law.ac.uk](mailto:grant.saxena25@law.ac.uk)," aka "Grant Saxena25," which is the address contact name that outlook generates, to the email address "[lv\\_public\\_docketing@nvd.uscourts.gov](mailto:lv_public_docketing@nvd.uscourts.gov)" aka "LV Public Docketing," which is simply another address contact name generated for the email address.
3. Moreover, a process service company served the documents against to the court through their public email address on 11/19/2023, stating that there was an error because the clerk had not filed the original objection and appeal on 11/9/2023 from Grant Saxena25, and attached a copy of the 11/9/2023 email, clearly showing the name of the attachment as "1-22-cv-2126-CDS-BNW - Objection and Appeal of Magistrate Order (1).pdf," which is a 103MB file.
  - a. This error has resulted in a misunderstanding of the facts and law by the Court, specifically the unfounded accusation that Dr. Saxena forged or used an unauthorized e-signature of Defendant Michael Edwards. This issue was addressed in the objection and appeal, which the Clerk failed to file.
  - b. Contacting the clerk on 1/30/2024, and verifying that they did in fact receive Dr. Saxena's objection and appeal of the magistrate decision, which he properly filed

1 on 11/9/2023, with a 99kb PDF file attached. Written proof of the conversation,  
2 including evidence that the email addresses which the magistrate speculated were  
3 not valid, are included.  
4

- 5 4. Second, the Court erred in its interpretation of the facts and law. Defendant's counsel  
6 Stephanie Bedker, who is being added to the lawsuit for stalking Dr. Saxena, without an  
7 investigator's license since May of 2023 (before she filed a notice of entry of  
8 appearance), sent the first DPSO to Dr. Saxena with Mr. Edwards' signature on the  
9 proposed document to a personal email address. **Dr. Saxena merely signed his name**  
10 **and submitted the DPSO exactly as it was sent to him by Ms. Bedker. (Emphasis**  
11 **Added).** This was explained in the November 9, 2023 objection and appeal.  
12
- 13 5. The documents in the record clearly reflect that Ms. Bedker is the person who forged, or  
14 used an unauthorized e-signature of Mr. Edwards when sending the first DPSO to Dr.  
15 Saxena on 7/20/2023.  
16
- 17 6. Third, Dr. Saxena needs additional time to compile phone records to verify his attempts  
18 to confer with the Defendants' law firm regarding the second DPSO. This point is moot,  
19 however, as the appeal of the original magistrate order striking the first DPSO was never  
20 filed. Nevertheless, Dr. Saxena will provide these records and requests that the  
21 Defendants also provide their phone records, which will show a voicemail left by Dr.  
22 Saxena at the firm's Las Vegas office on the date aforementioned.  
23
- 24 7. Ultimately, the gamesmanship that Mr. Edwards accuses Dr. Saxena of, is the tactical  
25 abuse he is executing now, in blatant violation of the rules of the court. The court should  
26 impose sanctions on the barred attorney for his misrepresentations, intentional delay of  
27 litigation, and ignoring of attempts to confer by Dr. Saxena.  
28
8. The defendants, through their counsel, have enacted abuse of the process of the  
discovery plan and schedule order procedure to inflict emotional distress on Dr. Saxena,

1 who is now being treated at the Veterans Affairs for a new eye-twitch disorder which  
2 resulted from the psychological effects of the vexatious filings and responses required to  
3 prove that he did not forge any documents. This abuse of process is aimed at preventing  
4 Dr. Saxena from having the time necessary to perfect the amended complaint which  
5 needs to be filed in order to file claims under federal 1983 laws, and to include the new  
6 defendants.

- 7  
8 9. In light of these circumstances, Dr. Saxena respectfully requests a 14-day extension to  
9 respond to the Order to Show Cause. This request is supported by the principle that "the  
10 court must liberally construe the filings of pro se litigants," Eldridge v. Block, 832 F.2d  
11 1132, 1137 (9th Cir. 1987), and the policy that "cases should be decided upon their  
12 merits whenever reasonably possible," Eitel v. McCool, 782 F.2d 1470, 1472 (9th Cir.  
13 1986).

14  
15 **CONCLUSION**

- 16  
17 10. For the foregoing reasons, Dr. Saxena respectfully requests that the Court grant an  
18 extension of time to respond to the Order to Show Cause, and stay the Order pending the  
19 filing and adjudication of the original and new objections and appeals.

20  
21 Very Respectfully Submitted,

22  
23 /s/ Dr. Grant M. Saxena, Ph.D.

24 **Dr. Grant M. Saxena, Ph.D.**

25 1/31/2024

26 275 New North Road, #2051

27 London, N1 7AA, United Kingdom

28 +1-303-941-8772

grant.saxena25@law.ac.uk